

**REMARKS**

Claims 1 – 13 and 16 – 23 and 25 – 29 are now pending in the application. Claims 14, 15 and 30 have been withdrawn. Claim 24 has been cancelled. Minor amendments have been made to the claims to simply overcome the rejections of the claims under 35 U.S.C. § 112. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

**ELECTION/RESTRICTION**

Applicants acknowledge election of Group I (claims 1 – 13 and 16 – 29). Applicants make no admission as to the correctness of the requirement.

**DRAWINGS**

The drawings stand objected to for certain informalities. Applicant has attached revised drawings for the Examiner's approval. In the "Replacement Sheet" reference "2" has been added to Figure 2; reference "1" has been added to Figure 3; and reference "6" has been added to Figure 4.

**CLAIM OBJECTIONS**

Claims 11, 16, 24 and 26 stand objected to because of certain informalities. Applicants have corrected the informalities of claims 11, 16 and 26. Claim 24 has been cancelled.

#### **REJECTION UNDER 35 U.S.C. § 112**

Claims 12, 18 and 20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants note that claims 12, 18 and 20 have been amended to correct the deficiencies outlined by the Examiner.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1 – 7, 10 – 13, 16 – 23 and 29 stand rejected under 35 U.S.C. 102(b) as being anticipated by GB patent application 2,065,011 (Bregenzer). Claims 1 – 3, 5 – 7, and 9 – 13 are also rejected under 35 U.S.C. 102(b) as being anticipated by US 5,493,833 (Irvine). These rejections are respectfully traversed.

At the outset, Applicants note that independent claims 1, 16, 20 and 26 have been amended to more specifically define the interface of the shank and the base member. More specifically, claims 1 and 26 have been amended to recite a shank which is arranged in a recess or shank accepting feature defined on the supporting face. Claim 16 has been amended to recite a shank extending from the base member, the shank having an external contour bounded by an edge extending on the supporting face. Claim 20 has been amended to recite a base member defining a supporting face having a recess; a longitudinally elongated shank coupled to the base member and nesting in the recess. Applicants submit that the collective art of record fails to teach or suggest such features.

Bregenzer at best discloses a stud having a shank 10 coupled directly to a head 20. The head 20 presents a uniform lateral surface from which the shank mates and extends. See e.g. FIGS. 1 – 4.

Irimeis at best discloses a stud 10 having an elongated shank portion 12 including an integral head portion 14 formed on one end. The shank portion 12 includes a lower end section 16 which has a core insert of suitable welding flux 18 carried therein to allow the end section 16 to be welded to a base material. See e.g. FIG. 1.

The present invention is distinct from Bregenzer and Irimeis. The present invention provides a fastener including a shank which is arranged in a recess defined on the supporting face. In addition, the present invention provides a shank having an external contour bounded by an edge extending on the supporting face of a base member.

In view of the foregoing, reconsideration and withdrawal of the rejections of claims 1 – 7, 9 – 13, 16 – 23 and 29 are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 4, 8 – 9, 18, and 20 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bregenzer in view of US Patent Publication 2002/0048498 A1 (Bartels).

Bartels at best discloses a nut plug assembly 20 including a standard hexhead bolt 22, a securement nut 24 and a resilient washer 26. The threads 23 of the bolt 22 are coated with a high temperature lubricant 25. Bartels does not teach or suggest a shank which is arranged in a recess defined on the supporting face of a base member.

Furthermore, Bartels does not teach or suggest the shank having an external contour bounded by an edge extending on the supporting face of a base member.

In view of the foregoing, reconsideration and withdrawal of the rejections of claims 4, 8 – 9, 18, and 20 – 29 are respectfully requested.

### CONCLUSION


It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Dated: 2-21-2005

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